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LETTER DATED 23 JULY 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith a letter dated 23 July 1991 from Mr. Ahmad Hussein, Minister for Foreign Affairs of Iraq, concerning the resolution adopted by the Board of Governors of the International Atomic Energy Agency on 18 July 1991.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

Annex

Letter dated 23 July 1991 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

We have examined the resolution of the Board of Governors of the International Atomic Energy Agency, adopted on 18 July 1991 on the basis of the report of the Director-General of the Agency (document GOV/2530).

We should like to set out our official position on the aforementioned resolution, as follows:

1. We have carefully studied the contents of this document and find that it takes as its fundamental premise article 34, paragraphs (b) and (c), of the safeguards agreement concluded between Iraq and the Agency (INFCIRC/172).

We have already expressed our views with respect to these two paragraphs of article 34 in our two letters to the Director-General of the International Atomic Energy Agency dated 10 and 12 July 1991. Whereas the Agency could have considered our point of view and taken some time to reach a joint understanding with us of the sense of this article, the Director-General instead hastened to pronounce judgements against Iraq on the grounds that it had not provided the Agency with information on certain nuclear materials. The Director-General did not, however, bear in mind the following points:

(a) Iraq did in fact officially provide information on the nuclear materials to the Agency, as set out in our letter of 7 July 1991.

(b) The said materials were subjected to inspection by the third international team, which left Iraq on 19 July 1991: that information is now in the Agency's possession.

Accordingly, it was entirely possible for the Director-General of the Agency to treat those developments as constituting a corrective measure in accordance with article 19 of the agreement, to be dealt with in the same way as previous similar cases addressed by the Agency. We should like to draw attention to a similar case, as mentioned in the 1984 report on safeguards implementation (document GOV/2201), which referred to the export by Luxembourg of 41 tons of enriched uranium to Israel. Or are we not entitled to inquire why the 11,000 tons of enriched uranium produced each year at power stations which are not subject to the Agency's safeguard system do not attract the same attention as do the tiny quantities of yellow cake and uranium compounds present in Iraq?

It is our belief that the submission to the Board of Governors of the International Atomic Energy Agency did not conform to the criteria applied by the Agency in previous cases, nor did it have adequate legal justification.

2. We were not expecting such a meeting to be convened before the Agency's inspection teams had finished their last round of inspections and submitted their final report and conclusions, in accordance with the provisions of article XII.C of the Agency's Statute. We believe that the results of the teams' work are of direct relevance to the discussion of an item of this nature, and we also believe that it is improper to take results of the teams' work in isolation, without awaiting the amalgamation of all such results and the drawing of overall conclusions.

3. In adopting its resolution, including preambular paragraph (d) and operative paragraph 5, the Board of Governors chose entirely to ignore the following truths and facts:

(a) Iraq has so far been visited by three nuclear inspection teams and three teams with responsibilities in other fields. They all received full cooperation from Iraq, except for one team which encountered some confusion. This we have already explained to the President of the Security Council and to the high-level mission which visited Iraq and of which the Director-General of the International Atomic Energy Agency was a member. Iraqi officials at the highest levels gave firm assurances of Iraq's absolute willingness to provide every facility to all teams and to cooperate with them in the performance of their duties.

(b) The high-level mission submitted its report to the Security Council and clearly mentioned the assurances provided by Iraqi officials. It noted that the teams' future visits would demonstrate the extent of Iraq's cooperation.

It would have been more appropriate if the Director-General of the International Atomic Energy Agency - as a member of the high-level mission - had explained this to the Board of Governors and if the Board had postponed the inclusion in its resolution of preambular paragraph (d) and operative paragraph 5 until such time as at least one of the inspection teams had completed its work subsequent to Iraq's explanation of the reasons for the confusion which had occurred with the second inspection team and to the expression of Iraq's clear and confirmed commitments.

(c) The Board of Governors of the International Atomic Energy Agency held its meeting concerning the resolution on 18 July 1991, i.e. the last day of the third inspection team's stay in Iraq. The leader of the team and all its members expressed their great satisfaction with the full cooperation shown by Iraq, yet the Board of Governors did not take this into account and adopted its resolution before examining the team's report. Does this not give rise to some questions?

We are confronted with an incomprehensible situation. While Iraqi technicians and the technicians of the inspection teams are cooperating and working together on a scientific level, we find the Board of Governors insisting on condemnation of Iraq for its lack of cooperation.

We are consequently alarmed and dissatisfied and conclude that the resolution was adopted on the basis of predetermined political concepts and motives, the intention being to bestow technical legitimacy through a specialized agency in preparation for a fresh act of military aggression against Iraq, following the full revelation by Iraq of its nuclear programme. Neither is it a secret to anyone that the same parties which induced the Board of Governors to adopt this resolution are endeavouring to maintain the embargo and sanctions imposed on Iraq, without any legal or moral grounds, in the hope of starving the Iraqi people and thus creating a pretext for intervention in Iraq's internal affairs and an attempt to subject it to the will of foreign Powers.

In affirming Iraq's official position with respect to the unjust and unbalanced resolution adopted by the Board of Governors of the International Atomic Energy Agency, we wish to emphasize our profound concern at the absence of a spirit of fairness and justice in the dealings of certain parties in this regard, despite Iraq's undertaking to fulfil its obligations under Security Council resolution 687 (1991). We also request that you have this letter circulated as a document of the Security Council.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs
of the Republic of Iraq